Health **(1950) Department.**

MS **SERIES.**

G.O. NO.	3808, Health
Dated	7-11-50

[Despatch Abstract.]

R.W.S - South Kanara Dt - Puttur taluk Jalsoor village - Workmen's Compensation Act - Well work - Accident to one Pakrunnisa beary - Irrecoverable amount - Write-off - Orders passed

Health (1950) **Department.**

MS SERIES.

G.O. NO.	3808, Health
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[Despatch Abstract.]

R.W.S - South Kanara Dt - Puttur taluk Jalsoor village - Workmen's Compensation Act - Well work - Accident to one Pakrunnisa beary - Irrecoverable amount - Write-off - Orders passed

Revenue Department.

Subject. -

Workmens Compensation Act-(South Kanara) Puttur Taluk-Talsoor village-Well work Accident to one Pakrunhi beary Rs.512/-Irrecoverable amount-Write off-Requested

***

Ref.V.1343/49-10

dated 4.10.50.

To

Madras.

From

Sri A.F. Mascarenhas, I.A.S., Secretary, Board of Revenue.
Sri M.N. Kudva, I.C.S., Commissioner of Commercial Taxes.

----ooOoo----

Ref: From the Collector of South Kanara Ref. C. No. 6122/47B3.d/12.3.49
Board's Ref. V.1343/49.2 dated 27.5.49
G.O Ms. 2285 Public Health dated 24.6.49.
From the Collector of South Kanara Ref. B3.6122/47 dated 4.5.50
-do- -do- d/ 30.5.50.
-do- -do- d/11.9.50.

----ooOoo----

34886

REFERENCE:

Submitted to the Government.

2/The Board observes that the Collector of South Kanara has not been able to recover in fulle the amount of Rs.723/-awarded by the Commissioner of Labour, Madras from the contractor Sri K. Narayana Rai as he does not have any separate property of his own. The Government pleader, Mangalore has observed that only his personal or individual assets can be sold and that his undivided interest in his alyasanthana family property cannot be sold. As the Tahsildar reported that the contractor had no movable or immovable property of his own, the Collector was requested to adjust the sum of Rs.211/- due to the contractor for the work done by him which was held in deposit towards the total amount due from him. The Collector has reported that the amount has been adjusted. The balance of Rs.512/- cannot be recovered from the contractor in view of the opinion of the Government pleader.

3/In the circumstances, reported the Board requested that the Government may be pleased to write off the sum of Rs.512/- as this amount is irrecoverable from the contractor.

P.t.o

For Secretary.

To the Secretary to Government Health Department
(with copies of Collectors letters)
Copy to the Collector of South Kanara.

AR
VLA/4/10

Copy of Ref.B3.6122-47 dated 11.9.50 from the Collector of South Kanara.

WORKMEN'S COMPENSATION ACT (SOUTH KANARA)-Puttur Taluk-Jalsoor village-well work Accident to one Pakrunhi Beary-Rs.211/- adjustment of-report submitted.

Ref:Board's ref. V.1343/49.9 dated 14.8.1950 and send

The amount of Rs 211/- has been adjusted towards the compensation amount recoverable from the contractor. A copy of the adjustment slip issued by the Treasur Officer, South Kanara is enclosed.

2/Orders may kindly be passed on the balance amount ofRs512/- due from the c ontractor. /True copy/

----oOo----

Copy of Adjustment slip issued by the Treasury Officer S.K No. 81/1950-51.

Received by adjustment from the Collector of South Kanara the sum of Rs.211 Two hundred and eleven only being the amount credited under H.D1007 d/14.10.1947. Th amount was credited on 7.9.50 to 39Works-PostwarReconstruction-Rural water supply I. Estimate of Board of Revenue-Works" as per Accountant-General's letter T7B Ph. III-520 dated 5.8.1949.

/True Copy/

For Secretary.

Copy of Ref.B3.6122/47 From the Collector of South Kanara dated 30.5.50.

WORKMEN'S COMPENSATION ACT(South Kanara)Puttur taluk-Jalsoor villgge-well work-Accident to one Pakrunhi Beary-Compensation amount-revowery.

Ref: Correspondence resting with this office Ref.B3.6122/47 dated 4.5.50

-o-

The Collector of Madras issued a certificate under section 3(1) of the central act I of 1890 authorising me to recover a sum of Rs723/ -being the compensation awarded by the Commissioner for Workmen's compensation Madras plus the cost of the court fee label, from Sri K. Narayana Rai the contractor. The Tahsildar, Puttur under whose jurisdiction the contractor is residing reported that he has no movable or immovable property of his own and that he is one of the 21 legal heirs to the family properties. in Adhur village in Kasaragod Taluk- The Tahsildar Kasaragod reports that the family properties paying an assessment of Rs108-8-0 in Adhur village is registered inthe name of one Dug gappa Rai. The family is governed by the Aliyasanthana Law of inheritance. It is said that according to a family agreement a portion of the properties is being enjoyed by the branch to which Sri K. Narayana Rai belongs. The head of Sri K Narayana Rai's branch is his mother, Akku. The Government pleader, Mangalore states that only the personal or individual assets of the individual can be sold and his undivided interest in his aliyasanthana family property cannot be sold. In the circumstances there is no possibility of recivering the amount due from the contractor.

2/In this connection I invite attention to this office report Ref.B3. 6122/47 dated 4.5.50 and request that immediate orders may be passed thereon so that if it is not possible to forfeit the sum of Rs211/- payable to the contractor, action may be taken to adjust the same towards the compensation awarded by the Commissioner for workmen's compensation.

Yours faithfully,
xxx
For Collector.

/True Copy/

For Secretary.

Vla/4/10

Copy of B3.6122/47 From the Collector of South Kanara to the Board of Revenue dated 4.5.50.

WORKMEN'S COMPENSATION ACT-South Kanara-Puttur Taluk-Jalsoor village-Well work Accident to one Palrunhi Beary -bill amount -of Rs.211/-forfeiture-instructions-solicited.

Ref: Board's Ref.V1343/49 -2. dated 27.5.49. S/6/49

This office D.O letter Ref.B3.6122/47 dated 14.3.50.-noted

The Board ordered in para 4 of its reference cited first above that the sum of Rs211/- payable to the contractor for the portion of the work executed by him should be forfeited to Government after issuing notice to the contractor. A notice dated 27.6.49 was issued to him in accordance with the Board's order to show the cause why the amount should not be forfeited to Government for his wilful negligance in the execution of the ~~work~~ work. It was acknowledged by him on 13.7.49. But no representation has been received from him so far in this matter.

2/As I am confronted with the following difficulties in the matter I have not passed order of forfeiture I submit the facts for favour of Board's order

The articles of agreement executed by the contractor is enclosed. There is no penal recital in the agreement except recital 4 which says that conditions of the clauses of the standard Priliminary specification would apply to the contractor provided he signed the copy of the Madras detailed standard specifications maintained in the South Kanara district Board Engineer's office. The Divisional Engineer (Highways)who also does the functions of a Dy.Board Engineer informs that the contractor has not signed the copy of the M.D.S.S maintained in his office. It is also ascertained that the contractor has not signed the copy of the M.D.S.S maintained in the Assistant Engineer's office, Puttur. The Clauses of the Standard Preliminary specification do not therefore appear to be binding on the contractor.

Even presuming that the clauses of the standard preliminary specification can be applied in this case, it seems that the onlyclause which authorises the forfeiture of the value of the work executed, is clause 60. But the provisions of clause 60 required that before the money is forfeited the Executive Engineer should advise the contractor in writing of his defaults and at the same time demad compliance. The Divisional Engineer reports that the notice envisaged in clause 60 has hot been issued by him to the ~~Contractor~~ Contractor. A copy of his letter Roc. A8.3832-50 dated 29.4.50 is enclosed for reference. In the circumstances it appear to me that there is no provision which would authorise me to forfeit the bill amount. On the other hand I fear that such an order would lack legal sanction. I therefore, solicit orders whether in the circumstances stated above it is possible to enforce the forfeiture of the sum of Rs211/-If the answeres is in the negative, I suggest that this sum may be ordered to be adjusted under clause 45(a) towards the amount recoverable from the contractor with reference to the award passed byh the Commissioner for Workmen's Compensation. I solicit Board's urgent orders in the matter.

Yours faithfully,

xxxxx

For Collector.

/True Copy/

VLA/4/20

For Secretary.

Health (WS)

(S)

Read G.O.(MS) 2285, P.H., dated 24-6-49
from the Board of Revenue, Ref. V. 1343/49-10
dated 4-10-50

Subject: R.W.S - South Kanara District - Puttur taluk - Jalsoor village - Workmen's Compensation Act - Well work - Accident to one Patrunhi beary - Irrecoverable amount - written off - Orders passed

ORDER 3808 Health, dated 7-11-50
MS

S/6134

In G.O. 2285, P.H., dated 24-6-49 ~~[illegible]~~ sanction of the payment of a sum of Rs 720/- to the widow of a deceased Coolie employed for well work in South Kanara District, being the Compensation awarded by the Commissioner of Labour, and ~~[illegible]~~ ordered that the

P.T.O

should be
amount/~~owed~~ recovered from the Contractor and S/p14 of
~~should be~~ credited to Govt. The collector of
South Canara has reported that p14
~~[illegible]~~
a sum of Rs 211/- due to the Contractor for the work
done by him which was held in deposit/towards
has been adjusted
the ~~total~~ amount due from him, ~~he stated that~~ and that the balance
is irrecovable.
~~the balance of Rs 512/- cannot be recovered~~
~~from the Contractor~~. The Board of Revenue
has recommended that ~~Govt may write off the~~
balance of Rs 512/- may be written off.
~~Govt~~ On the circumstances, the Govt accept the proposal and
sanction the waiver of the recovery of the
sum of Rs 512 (Rupees Five hundred & twelve only).
~~This is reported to Govt~~
~~have received from the Contractor~~.

p14 The Bd of Rev
The A.G. this
Rom

25/cs

GOVERNMENT OF MADRAS.
Health Department.
G.O.Ms.No.3808, Health, dated 7th November 1950.

***

Abstract.

Rural Water Supply - South Kanara District - Puttur taluk - Jalsoor village--Workmen's Compensation Act -well work - Accident to one Pakrunhi beary - Irrecoverable amount - Write-off - Orders passed - x.x.x.

p1y From the Board of Revenue. Ref. V. 1343/49-10(d) 4 10/51

Sub :- R.W.S. - South Kanara Dt. - Puttur taluk - Jalsoor village - Well work - Accident to one Pachumuhi Beary - Irrecoverable amount - write off

S/bp13+14y In Go. 2285, P.H., dated, 24-6-49 Sanction was accorded to the payment of a sum of Rs 720/- to the widow of a deceased Coolly employed for well work in South Kanara District, being the Compensation awarded by the Commissioner of S/p14y Labour. It was also ordered that the amount when recovered from the Contractor should be Credited to Govt. The Collector of South Kanara p1y has stated that he has not been able to recover the 720 +3 (contd) full amount of Rs 723 from the Contractor as he 723 does not have any separate property of his own. The Govt Pleader, Mangalore has observed that only his personal or individual assets can be sold and that his undivided interest in his alyasantana family Chn-d property cannot be sold. As the Contractor had no movable or immovable property of his own the Collector has adjusted only a sum of Rs 211/- due to the Contractor for the work done by him which was held in deposit towards the total amount due from him. ~~He states that~~ The balance of Rs 512/- cannot be recovered from the Contractor in view of the opinion of the Govt Pleader. The Bd of Revenue recommend para 3 on p1y that Govt may write off the sum of Rs 512/- as this amount is irrecoverable from the Contractor.

The Board's recommendation may be accepted. The remarks of Finance may be invited.

27 OCT 1950 89360 Accts

Health U.O 34886/50-1-W3 26.10.50

in no 89360 Accts-1

18-10 24.10 DEPUTY SECRETARY 37500 30 OCT 1950 HEALTH DEPARTMENT 26.10.50

Finance (Accts)

Proposal of Health at M above be agreed to — in finance.

27-X-50

B 27.10.50 Healt

P.T.C

Health (US)

Please see the notes of this dept and that of Finance at p/ante. A draft order is submitted for approval.

4.11.50

4.11.50

4.11.50